

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

COLBY BOWER-SMITH,

Plaintiff,

vs.

BNSF RAILWAY COMPANY,

Defendant.

**7:23CV5003**

**FINAL PROTECTION ORDER  
(AMENDED)**

IT IS ORDERED that the joint motion to extend, Filing No. 27, is granted. The final progression order, Filing No. 21, is amended as follows:

- 1) The trial and pretrial conference will not be set at this time. The status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings set for April 17, 2025 is **continued** and will be held with the undersigned magistrate judge on **October 21, 2025 at 9:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadlines for moving to amend pleadings or add parties are:

For the plaintiff(s):	January 8, 2025
For the defendant(s):	January 22, 2025
- 3) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is June 2, 2025. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by June 16, 2025.

**Note:** A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 4) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s): June 18, 2025.

For the defendant(s): July 18, 2025.

Rebuttal: August 18, 2025

- 5) The deadlines for complete expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s): June 18, 2025.

For the defendant(s): July 18, 2025.

Rebuttal: August 18, 2025.

- 6) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is October 3, 2025.

- 7) The deadline for filing motions to dismiss and motions for summary judgment is November 21, 2025.

- 8) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is November 5, 2025.

- 9) Motions in limine shall be filed twenty-eight days before trial. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.

- 10) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.

- 11) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the

motion, which require that additional time be allowed.

- 12) Any deadlines not specifically amended herein remain unchanged. No further extensions will be considered absent a substantial showing of good cause.

Dated this 8th day of October, 2024.

BY THE COURT:

s/ Jacqueline M. DeLuca

United States Magistrate Judge